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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11 ALICIA HERNANDEZ, et al.,  
12 individually and on behalf of all others  
13 similarly situated,

14 Plaintiffs,

15 v.

16 WELLS FARGO BANK, N.A.,  
17 Defendant.

Case No. 3:18-cv-07354 WHA

**DECLARATION OF SETTLEMENT  
ADMINISTRATOR JENNIFER M.  
KEOUGH REGARDING DISTRIBUTION  
OF SETTLEMENT BENEFITS AND FINAL  
POST-DISTRIBUTION ACCOUNTING**

18 I, JENNIFER M. KEOUGH, declare as follows:

19 1. I am the Chief Executive Officer (CEO) of JND Legal Administration, a legal  
20 administration services provider with its headquarters located in Seattle, Washington. JND has  
21 extensive experience with all aspects of legal administration and has administered settlements in  
22 hundreds of class action cases. As CEO of JND, I am involved in all facets of our Company's  
23 operations, including monitoring the implementation of our notice and claims administration  
24 programs. JND was chosen as the Settlement Administrator<sup>1</sup> in this case after participating in a  
25 competitive bidding process.

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27  
28 <sup>1</sup> Capitalized terms used and not otherwise defined herein shall have the meanings given such terms  
in the Stipulation of Class Action Settlement.

2. This Declaration is based on my personal knowledge and information provided to me by experienced JND employees, and if called to do so, I could and would testify competently thereto.

3. This Declaration is intended to supplement my Declaration of Jennifer M. Keough Regarding Settlement Administration (“Administration Declaration”), dated August 10, 2020, my Declaration of Settlement Administrator Jennifer M. Keough Regarding Distribution of Settlement Benefits and Interim Accounting (“Interim Post-Distribution Declaration”) dated April 27, 2021, and my Supplemental Declaration of Settlement Administrator Jennifer M. Keough Regarding Distribution of Settlement Benefits and Post-Distribution Accounting (“Supplemental Declaration”) dated June 28, 2021. The Administration Declaration, the Interim Post-Distribution Declaration, and the Supplemental Declaration are incorporated by reference herein and pertinent information in the Administration Declaration is summarized in the current accounting, filed concurrently with this Supplemental Declaration, which provides the information required by the Northern District of California’s *Procedural Guidance for Class Action Settlements*. See <https://www.cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements>, at Post-Distribution Accounting, ¶ 1 (requiring specific information about the settlement distribution process be provided in an easy-to-read chart). This chart will be posted on the Settlement Website – <http://www.homeloanmodificationsettlement.com> – as required by the *Procedural Guidance for Class Action Settlements*. See *id.*, ¶ 1.b.

#### **Court Approval of Distribution**

4. On October 12, 2020, the Court entered the Order re Motion for Final Approval of Class Settlement and Motion for Attorney’s Fees and Expenses (“Order”), approving the distribution of payments to Class Counsel and the Settlement Class. On January 15, 2021, the Court entered the Order Granting Unopposed Request for Supplemental Distribution to Class Members (“Supplemental Order”), approving a further distribution of \$7,500 on a pro rata basis to Settlement Class Members.

5. Pursuant to the Settlement Agreement, an Escrow Account was established in the amount of \$18,500,000.00. On May 7, 2020, JND received \$6,000.00 via wire transfer into the established

1 *Hernandez v. Wells Fargo Bank Settlement Fund* (“Settlement Fund”). On November 18, 2020, JND  
2 received \$18,494,000.00 via wire transfer into the Settlement Fund.

3 **Class Counsel Fees and Expenses**

4 6. On October 12, 2020, the Court awarded Class Counsel \$4,525,000 in attorneys’ fees  
5 and \$335,000 in expenses in its Order.

6 7. On December 8, 2020, pursuant to the Court’s Order, JND issued payments to Class  
7 Counsel in the amounts of \$2,262,500 for fees and \$335,000 for reimbursement of expenses.<sup>2</sup> The  
8 remaining 50 percent (\$2,262,500) of awarded fees will be issued after all funds have been properly  
9 distributed and the file can be completely closed, as directed by the Court. *See* ECF No. 292.

10 **Administrative Expenses**

11 8. Pursuant to the Order, JND was paid \$65,000 in Administration Expenses in connection  
12 with administering the Settlement and determining validity of claims with the Special Master.

13 **Benefit Distribution**

14 9. The Economic Damages fund (\$12,575,000) was calculated by reducing the Gross  
15 Settlement Fund (\$18,500,000) by \$1,000,000 in Emotional Distress funds, \$4,525,000 in attorneys’  
16 fees, \$335,000 in attorneys’ expenses, and \$65,000 in administration costs. The Economic Damages  
17 fund was distributed to 505 Class Members who did not exclude themselves from the Settlement  
18 pursuant to the allocation plan approved by the Court. The Emotional Distress fund (\$1,000,000) was  
19 distributed to 121 Class Members who filed an Emotional Distress claim form validated by the Special  
20 Master.

21 10. On December 7, 2020, JND mailed 506 Economic Damages checks and 121 Emotional  
22 Distress checks to eligible Class Members (at the request of one class member, their economic damages  
23 awards were split among separate checks to co-borrowers on the same loan; JND subsequently reissued  
24 additional split payments at Class Members’ direction). Class Members were provided with a 120-day  
25 period to deposit their checks before the checks became void after April 6, 2021.

26  
27 <sup>2</sup> Class Counsel returned \$7,500 of the cost award by wire to JND on January 15, 2021 and JND  
28 distributed this to class members pursuant to the Supplemental Order. ECF No. 305.

1           11. Of the 627 original checks distributed, 27 were returned as undeliverable. JND  
2 undertook extensive address research and worked with Class Counsel to identify updated address  
3 information for Class Members whose payments were returned to JND as undeliverable and, to the  
4 extent updated addresses were obtained, payments were promptly reissued. JND also conducted  
5 extensive outreach via phone and e-mail to Class Members whose payments were not returned as  
6 undeliverable but had not been deposited. JND answered Class Member questions, reminded them to  
7 cash their checks and, where appropriate, reissued payments.

8           12. On February 2, 2021, JND mailed 508 additional Economic Damages checks  
9 (“Supplemental Checks”) pursuant to the Court’s Supplemental Order. Class Members were provided  
10 with a 120-day period to deposit these checks before they became void after June 2, 2021.

11           13. On February 5, 2021, JND sent a reminder notice postcard (“Postcard Notice”) to 120  
12 Class Members whose Economic Damages or Emotional Distress payment was not returned to JND  
13 as undeliverable but remained uncashed. The Postcard Notice informed Class Members how they  
14 could request a replacement check and encouraged them to cash their awards.

15           14. As of the date of this Declaration (with all payments in this matter now void), a total  
16 of \$12,821,557.64 in class member payments have been cashed (a cash rate of 94.4%). Per this Court’s  
17 final approval order, JND has transferred the remaining uncashed amount of \$760,942.36 to the states’  
18 unclaimed property funds and will provide any additional requested information to the states in order  
19 to complete the escheatment process (certain states will occasionally request additional paperwork or  
20 contact information). With these transfers, the distribution of the settlement funds is complete and  
21 only the unpaid attorneys’ fees remain in the settlement account.

15. The below chart details the settlement distribution process:

Total Settlement Fund:	\$18,500,000.00
Class Member Payments (Cashed):	\$12,821,557.64
Initial Attorney's Fees Paid:	\$2,262,500.00
Attorney's Expenses Paid:	\$327,500.00
Administration Costs Paid:	\$65,000.00
Payments Sent to States' Unclaimed Property Funds:	\$760,942.36
Remaining Attorney's Fees to be Paid:	\$2,262,500.00
Final Balance After Attorneys' Fees Paid:	\$0.00

16. At the Court's direction, JND will issue the remaining attorneys' fees and close the fund account.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on August 4, 2021 at Seattle, Washington.

JENNIFER M. KEOUGH